

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TASER INTERNATIONAL, INC., *et al.*,
Plaintiffs,
v.
MORGAN STANLEY & CO., INC., *et al.*,
Defendants.

Civil Case No.
1:10-CV-03108-JEC

DECLARATION OF BRAD M. ELIAS

I, Brad M. Elias, declare as follows:

1. I am an associate at the law firm of O'Melveny & Myers LLP ("OMM") and am one of the attorneys representing Defendants Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), Merrill Lynch Professional Clearing Corp. ("Merrill Pro"), and Banc of America Securities LLC ("BAS") in this action. I make this declaration in support of Defendants' Motion to Compel the Production of Documents Related to Plaintiffs' Claim for Attorneys' Fees.

2. I have personal knowledge of the facts recited herein except as otherwise indicated, and if called to testify concerning them under oath, I could and would competently testify thereto.

3. Attached to this declaration as Exhibit A is a true and correct copy of an excerpt of the transcript of Plaintiff David Batchelor's November 18, 2010 deposition.

4. Attached to this declaration as Exhibit B is a true and correct copy of an excerpt of the transcript of Plaintiff Donna T. Culver's December 15, 2010 deposition.

5. Attached to this declaration as Exhibit C is a true and correct copy of an excerpt of the transcript of Plaintiff Stephen A. Lisenby's September 8, 2010 deposition.

6. Attached to this declaration as Exhibit D is a true and correct copy of an excerpt of the transcript of Plaintiff Jane S. Maj's January 27, 2011 deposition

7. On Thursday April 28, 2011, I participated in a meet-and-confer teleconference with Plaintiffs' counsel Steven Rosenwasser on the issue of discovery related to Plaintiffs' attorneys' fees. During that meet and confer, I requested that Plaintiffs produce documents sufficient to show the details of their fee arrangement and the amount of attorneys' fees and expenses incurred or paid to date in this litigation. Plaintiffs refused this request.

8. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of June, 2011, in New York, New York.

/s/ Brad M. Elias

Brad M. Elias